

REMARKS

Upon entry of the present amendment, claims 1 and 4 will be amended, and claims 13-20 will be added, whereby claims 1-9 and 11-20 will be pending because claim 10 is a canceled claim having been canceled in a previous amendment.

By the amendment herein, claim 1 has been amended to even more explicitly recite the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. In this regard, the Examiner's attention is directed to Applicant's originally filed specification, at page 1, the paragraph beginning at the bottom of the page wherein it is disclosed that, "A material is added as filler ..., which material comprises the material of the actual reinforcement fibers."

Moreover, claims 1 and 4 have been amended to advance prosecution of the application as noted in the response to the 35 U.S.C. 101 and 112, second paragraph, rejections.

Dependent claim 13 is supported by the disclosure appearing at the top of page 2 in Applicant's specification and original claims 2 and 3.

Moreover, dependent claims 14-17 recite fiber-composite material produced by the recited methods, and claims 18-20 are directed to fiber composite materials.

Reconsideration of the rejections of record and allowance of the application in view of the following remarks are respectfully requested.

Claim of Foreign Priority

Applicant notes that the "None of" box is checked on the Form PTOL-326 with respect to the claim of foreign priority.

In response, Applicant notes that a telephone call was made to the PCT Branch at the Patent and Trademark Office requesting that it be ensured that certified copies of the priority applications are present in the file. A review of the Image File Wrapper (IFW) on Private PAIR indicates that the three priority applications, i.e., German Application Nos. 10 2004 040 555.7, filed August 21, 2004; 10 2004 052 552.8, filed October 29, 2004; and 10 2005 000 683.3, filed January 4, 2005, are present in the IFW on March 18, 2009.

Moreover, Applicant submits herewith a copy of the Form PCT/IB/304 indicating that the International Bureau has received the priority applications.

Accordingly, acknowledgment of the claim of foreign priority and receipt of all of the certified copies are respectfully requested in this national stage application.

Information Disclosure Statements

Applicant expresses appreciation for the Examiner's confirmation of consideration of Applicant's Information Disclosure Statement, filed August 1, 2006, by including an initialed copy the Form PTO-1449 with the Office Action.

Response To Rejection Under 35 U.S.C.112, Second Paragraph

Claims 1-9 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The rejection contends that because the claim does not set forth any steps involved in the method/process, it is unclear what method/process Applicant is intending to encompass.

In response, Applicant has clarified independent claim 1 by reciting that a method for producing a fiber-composite material for producing fiber-composite components, comprising

combining reinforcement fibers, resin, and a filler, the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. Accordingly, claim 1 and the claims dependent therefrom definitely recite the claimed method so that the rejection should be withdrawn.

Accordingly, the 35 U.S.C. 112, second paragraph, rejection should be withdrawn.

Response To Rejection Under 35 U.S.C. 101

Claims 1-9 and 11-12 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process.

In response and as noted above, Applicant has clarified independent claim 1 by reciting a method for producing a fiber-composite material for producing fiber-composite components, comprising combining reinforcement fibers, resin, and a filler, the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. Accordingly, claim 1 and the claims dependent therefrom recite the claimed method so that the rejection should be withdrawn.

Accordingly, the 35 U.S.C. 101 rejection should be withdrawn.

Response To Rejection Under 35 U.S.C.112, Second Paragraph

Claims 5-7 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The rejection contends that claim 5 recites the limitation “the resin filler mixture”, and that there is insufficient antecedent basis for this limitation in the claim.

In response, Applicant submits that the claims are definite as one having ordinary skill in the art would readily understand the metes and bounds of the claims. However, in an attempt to advance prosecution of the application, claim 4 has been amended to even more explicitly provide antecedent basis for the subject matter recited in claim 5.

Accordingly, the 35 U.S.C. 112, second paragraph, rejection should be withdrawn.

Response To Objection To Abstract

The Abstract has been objected to for having cumbersome phrasing. In response, Applicant submits that the Abstract as originally presented is sufficient and understandable. However, in an attempt to advance prosecution of the application to allowance, the Abstract has been amended.

Accordingly, the objection should be withdrawn.

Response To Art-Based Rejections

The following three art based rejections are set forth in the Office Action.

(a) Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner et al. (hereinafter "Skinner").

(b) Claims 5, 6, 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner, as applied to claim 4 above, and further in view of U.S. Patent No. 6,461,457 B1 to Taylor et al. (hereinafter "Taylor").

(c) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0130067 A1 to Skinner, as applied to claim 1 above, and further in view of U.S. Patent No. 4,556,529 to Muser et al. (hereinafter "Muser").

In response to these grounds of rejection, Applicant submits that independent claim 1 is directed to a method for producing a fiber-composite material for producing fiber-composite components, comprising combining reinforcement fibers, resin, and a filler, the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers.

Thus, amongst the features recited in Applicant's independent claim 1, the claim includes the filler comprising at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. In contrast to this combination as recited in Applicant's claims, none of the documents used in the rejections of record discloses that the filler comprises at least one of ground and cut reinforcement fibers so that the filler comprises a same material as the reinforcement fibers. Accordingly, the rejections of record are without appropriate basis and should be withdrawn, because any combination of these documents would not teach or suggest each and every feature recited in Applicant's claims.

The rejections state that Skinner fails to explicitly disclose the filler size, but contends that absent evidence of unexpected results obtained from using a filler of the claimed size, it would have been obvious to one of ordinary skill in the art to have selected a suitable size to effectively strengthen the composite, the filler size being a result effective variable routinely optimized by those of skill in the art. However, the rejections do not show fillers as recited in Applicants' claims, do not show that the prior art recognizes that one having ordinary skill in the art would perform routine experimentation with such fillers, and do not show that such routine experimentation would include experiments capable of determining filler sizes as recited in Applicant's claims.

Taylor is used in the rejection of claims 5, 6, 11 and 12 for its disclosure of a film forming process. Thus, whether or not one having ordinary skill in the art would have combined the disclosures of Skinner and Taylor in the manner asserted in the rejection, Applicant's claimed subject matter would not be at hand.

Muser is used in the rejection of claim 7 for its disclosure of a method of bonding molded components to film, sheeting or shaped members, in which the mold element is constituted of plastic resin and filler, and is bonded to the sheeting or member. Thus, whether or not one having ordinary skill in the art would have combined the disclosures of Skinner and Muser in the manner asserted in the rejection, Applicant's claimed subject matter would not be at hand.

Accordingly, any combination of Skinner, Taylor and/or Muser does not teach or suggest the combination of features recited in Applicant's independent claim 1, or Applicant's claims 2-9 and 11-17 which include the subject matter of claim 1. Moreover, any combination of Skinner, Taylor and/or Muser does not teach or suggest the combination of features recited in Applicant's independent claim 18, or claims 19 and 20 dependent therefrom for similar reasons.

Applicant therefore submits that the rejections of record are without appropriate basis and should be withdrawn.

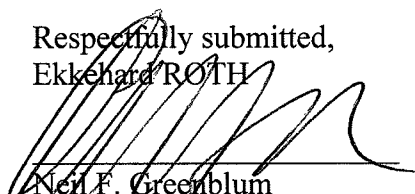
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections of record, and allow each of the pending claims.

Applicant therefore respectfully requests that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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